

## **EXHIBIT 12**

### **Excerpts from Deposition Transcript of Stephen M. Farmer**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR  
ADMISSIONS, INC.,

Plaintiffs,

**vs.**

UNIVERSITY OF NORTH  
CAROLINA, et al.,

Defendants.

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AMENDED DEPOSITION  
OF  
STEPHEN FARMER

THIS DEPOSITION CONTAINS HIGHLY CONFIDENTIAL AND  
PROPRIETARY INFORMATION AND IS SUBJECT TO A PROTECTIVE  
ORDER RESTRICTING PUBLIC DISCLOSURE OF ITS CONTENTS

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TAKEN AT THE OFFICES OF:  
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL  
222 East Cameron Avenue  
110 Bynum Hall  
Chapel Hill, NC 27514

06-28-17  
8:24 A.M.

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1 Other people tell us about that. I -- I don't  
2 know that I can say -- I think that to say  
3 religion affects that decision might be  
4 compartmentalizing what we're taking into account  
5 there in a way that I don't know that I can agree  
6 with.

7 But are we alive and alert to the  
8 different ways in which students can contribute?  
9 And I mean any student can contribute by virtue of  
10 his identity or his background or his experience,  
11 the answer there is yes.

12 MR. STRAWBRIDGE: Why don't we take  
13 a short break.

14 (Brief recess: 11:04 a.m. to 11:14 a.m.)

15 Q. (Mr. Strawbridge) Mr. Farmer, are you  
16 familiar with what's known as the Core report?

17 A. I am.

18 Q. Okay. And what is the Core report?

19 A. Well, what -- maybe I should talk about  
20 what was the Core report because it's -- there  
21 have been different reports that have had that  
22 name and been -- it's kind of in a different place  
23 now from where it was a couple for years ago. So  
24 I think starting -- and again, I might be a little  
25 bit off on some of my dates, but generally right

1       now -- so I'm going to start with right now, then  
2       I'll go back. Well, let me start with back and  
3       then I'll go to right now.

4               So I think starting around 2006 -- I  
5       think it was 2006 -- Jen Kretchmar developed a  
6       report that showed a lot of information  
7       disaggregated in different ways. It was mainly  
8       stuff that we could -- dimensions on which we  
9       could disaggregate when an application came in.  
10      So the information system that we had at the time  
11      stored certain information and not other  
12      information, and we ended up disaggregating the  
13      report or Jen ended up disaggregating the report  
14      based on the information that we had at the point  
15      of application.

16             I think the report was based on a report  
17      that we got from another school. I think North  
18      Carolina State had a similar report and Jen may  
19      have used that as a template, but I'm not sure  
20      about that. We felt at the time that we had a --  
21      needed to stay up on applications through the  
22      year. We'd get questions about how things were  
23      going. We had partners across campus who wanted  
24      reports and rather than going out and doing ad hoc  
25      numbers adding every time we got a question, Jen

1 developed a standard report that she ran I think  
2 every two weeks or maybe every month and sent  
3 around to different people. I think she sent it  
4 around to staff members and she had sent around it  
5 to a couple of others.

6 So ---

7 Q. Let me just ask a question.

8 A. Sure.

9 Q. When these Core reports were created  
10 among the disaggregated data that was made  
11 available, was that -- did that include the race  
12 and ethnicity of the applicants?

13 A. Yes. It included the race or ethnicity  
14 information that applicants had provided to us on  
15 their applications.

16 Q. And when the Core report was created,  
17 did it provide the number of students basically  
18 who had applied who fell into these disaggregated  
19 categories?

20 A. Yes. I believe it did.

21 Q. Did it also include the number of  
22 students which had been admitted so far?

23 A. Yes. I think it did.

24 Q. Okay. And that ---

25 A. I think maybe also the number who --

1       that had been read so the -- one of the purposes  
2       of the Core report was to help people in the  
3       office understand the progress that we were making  
4       in reading because, again, if you've got -- and I  
5       don't know what the number was at the time -- if  
6       you've got 20,000 applications, you don't want to  
7       wake up the day before they're due and realize  
8       that you've only read a third of them. Yeah, you  
9       want to do that over time. So it was kind of a  
10      multi-purpose report that included applications  
11      and reads and admissions, as you mentioned, and  
12      also I think after we started getting enrollment  
13      deposits who had chosen to enroll. So she did  
14      those from 2006 to 2009.

15               And then we made a transition. We'd  
16      been working in a system called Admission Pros,  
17      which was an admissions system that we helped  
18      develop. You know, I mentioned before when I was  
19      talking about why I came here, we wanted to  
20      improve the technology in the office and one of  
21      the changes that we made was contracting with this  
22      organization. It was kind of new at the time --  
23      they did develop an admissions information system  
24      for us and a communication system for us.

25               So the Core report that Jen developed

1 she developed out of Admissions Pros. And I think  
2 what she did was just go out and run queries and  
3 plug information into the cells on the spreadsheet  
4 and then send it around.

5 We spent two or -- maybe two years,  
6 maybe three years preparing for a transition from  
7 Admission Pros to PeopleSoft and I think we  
8 implemented PeopleSoft in 2009 and that the first  
9 class that we enrolled in PeopleSoft was fall of  
10 2010.

11 It was really hard getting information  
12 out of PeopleSoft. It just really -- especially  
13 initially. We worked so hard to stand up the  
14 system and just to have it up and operating and it  
15 was a mammoth undertaking. There wasn't a lot of  
16 attention paid at all to how we were going to get  
17 data back out of the system. And I think in 2009,  
18 maybe 2010 the folks in information technology  
19 developed a query that we could run using whatever  
20 the -- I think the tool was Web Focus where we  
21 could go -- and if you could figure out how to do  
22 it, you could go and run a report and it would  
23 show you the information that the Core report  
24 showed, with the exception that it didn't show  
25 prior year information.

1 I should have mentioned earlier, one of  
2 the things that the Core report showed was how  
3 those numbers disaggregated in the way that you  
4 described compared to the year prior.

5 Q. And why -- why did you include prior  
6 year data?

7 A. Just as a benchmark. Just as a rough  
8 gauge of how things were going.

9 Q. Compared to the previous year?

10 A. Compared only to the previous year.  
11 That's right.

12 So 2010, we did the 2010 cycle with this  
13 Core report. It might have been called that --  
14 out of Web Focus and out of PeopleSoft. And then  
15 starting, I think, in July of 2010, the following  
16 year, effective for the fall of 2011 admissions  
17 cycle, we had been complaining to ITS that, you  
18 know, it was so hard to run this report that it  
19 was just labor intensive and it was clunky and it  
20 took a long time to run because I think each of  
21 the -- if I'm remembering correctly -- each of the  
22 numbers was actually a hot link in a drill down,  
23 so there was actually -- you could click on a cell  
24 and it would list all the different people and it  
25 was just -- it was a mammoth report and it was a



1       terrible use of resources.

2               So we asked ITS to automate that report  
3       and to     if they could to generate it and produce  
4       it daily, which they did. I mean, I don't even  
5       know that we asked them to produce it daily, but  
6       we wanted a regular report and I think the answer  
7       at the time was, well, we can give it to you -- if  
8       we can give it to you every other week, we can  
9       just give it -- we're just going to run it daily.

10              So the Core report became an  
11       automatically generated report for the fall 2011  
12       group that came out of ITS and they just went to a  
13       couple people's inboxes and I ---

14              Q.     When you say went to a couple of  
15       people's inboxes, whose inboxes did it ---

16              A.     Yeah. No, that's a great question. We  
17       we -- I actually asked -- we asked ITS who the  
18       report went to -- and I should -- that was part of  
19       my preparations because I would -- am rehearsing  
20       -- I'm trying to figure out things in the past and  
21       I -- our office asked ITS if they could give a  
22       list of all the people who received that report.  
23       I know that I received it. I've got reports in my  
24       inbox and if you've got my email, you can see  
25       them. They just went straight into a folder that

1 Q. Okay. At some point, did the list of  
2 recipients who received those reports change?

3 A. Those Core reports? Those ---

4 Q. Yes.

5 A. --- electron -- the generated reports?  
6 I don't think so.

7 Q. Okay. Your testimony is that nobody  
8 else in the admissions office other than Ms. Polk,  
9 Ms. Kretchmar, yourself, the IT person,  
10 Ms. Florio, received those reports from 2010 until  
11 present?

12 MR. SCUDDER: Objection to the  
13 form.

14 A. I think that's the case.

15 Q. (Mr. Strawbridge) And do you know  
16 whether or not that information was provided to  
17 admissions officers during the reading process  
18 through any other means, the same disaggregated  
19 information?

20 A. I don't know.

21 Q. If other people have testified that that  
22 information was available to them, do you have any  
23 basis to challenge that as a 30(b)6 witness?

24 MR. SCUDDER: Objection to the  
25 form.

1           A.     I'm sorry. I've already said I don't  
2     know. And I -- you know, so you were asking about  
3     the Core report. So that -- I think that report  
4     started in 2009 for the -- or 2010 for the 2011  
5     cycle. It did not include prior year information  
6     It was just a static report.

7           At some point over the next couple of  
8     years -- it might have been 2014, Jen either on  
9     her own or working with Wissuta, developed a new  
10    version of the report that did show prior year  
11    comparisons, and then in subsequent years we split  
12    out an applications report or a recruitment  
13    report, if you want to think about it that way,  
14    from a report about reading.

15          Q.     (Mr. Strawbridge) In 2013 and 2014, did  
16    Mr. Rosenberg receive copies of the Core report?

17          A.     I don't know. You mean, the  
18    automatically generated Core report?

19          Q.     Yeah.

20          A.     Yeah. I don't know. I mean, I asked  
21    Melissa Florio for help in figuring out who  
22    received copies of the Core report and I've -- I'm  
23    telling you what I think. I don't know, though,  
24    that others did not.

25          Q.     Do you know whether Andrea Felder

1 MR. SCUDDER: The dashboard report?

2 A. Well, it's the -- sometimes you refer to  
3 it -- we referred to it as a version of the Core  
4 report. Sometimes it was, unless -- so perhaps I  
5 should ask you, do you have a copy of the  
6 dashboard report that you'd like to show me so  
7 that I can make sure that I'm answering your  
8 question accurately?

9 Q. (Mr. Strawbridge) I'm happy to show you  
10 a document, but my real question is just do you  
11 know what was on the dashboard that was available  
12 to the readers?

13 A. You're asking me to -- this was four  
14 years ago, five years ago. I can't remember  
15 everything that was on reports that we ran four to  
16 five years ago. I'm sorry.

17 Q. At some point was there a decision made  
18 to remove race or ethnicity information with  
19 respect to how the applications process was  
20 progressing from being available to the readers of  
21 the applications?

22 A. Yes.

23 Q. And when was that decision made?

24 A. I think we made that decision in fall of  
25 2015.

1 ethnicity of the candidates when they are  
2 reviewing for SGR purposes?

3 A. When they open the files, they do, yes.

4 Q. All right. That basically is  
5 essentially is a click on the screen to get to the  
6 file?

7 A. Well, they have to look up the student  
8 first and then they have to click and sometimes it  
9 takes 30 seconds or a minute for the file to load,  
10 but yes.

11 Q. There used to be a -- strike that.

12 Is there actually an SGR report that  
13 lists all the students, as I think you've  
14 testified earlier, in order by GPA or class rank?

15 A. There is. And by state and by school.

16 Q. And did that data -- and is that  
17 basically kind of sort of a menu that SGR  
18 reviewers use when they're trying to assess the  
19 SGR process?

20 A. Generally, yes. Some people do it  
21 different ways, but yes.

22 Q. Did the SGR reports that appeared on  
23 sort of that -- that list page, did that include  
24 students about -- information about student  
25 ethnicity prior to 2015?

1           A.    Yes, it did. And I'm trying to think of  
2           when that information was removed from that  
3           report. It was just after we resolved the  
4           complaint that had been filed with the Office for  
5           Civil Rights.

6           Q.    And was it done at the request of the  
7           Office of Civil Rights?

8           A.    No.

9           Q.    Why was it done?

10          A.    You know, I -- I think -- and I'm sorry,  
11          I don't remember the year, but I think this was  
12          2012. It was 2012 or 2013. The representatives  
13          of the Office for Civil Rights visited and spent  
14          roughly a week here. It might have been a day  
15          less than a week -- it might have been four days.  
16          I think I spent five hours with them. I think  
17          that office reviewed our admissions policies, it  
18          reviewed our admissions practices, it interviewed  
19          a number of staff members, it reviewed I don't  
20          know how many files. So it did a lot of thorough  
21          looking and in the last conversation that I had  
22          with them they were asking me about the school  
23          group review process and I told them what we did.  
24          And they said, well, you know, to what extent is  
25          race or ethnicity used on this report, because

1       they were looking at a similar report or the same  
2       report that you're talking about. And I said,  
3       well, that's really -- that's not particularly  
4       useful information -- it's not useful information  
5       to staff and it -- it doesn't really help us in  
6       the work that we do because the point of school  
7       group review is to afford students a comprehensive  
8       and individual review. So the person for Office  
9       for Civil Rights said, and I'm paraphrasing --  
10      said, "Look, if you're not using this, why don't  
11      you just take it off." And I thought about it and  
12      I thought it made good sense.

13           Q.     Is it your testimony that ethnicity is  
14      not used in the school group review process?

15                   MR. SCUDDER: Object to the form.

16           A.     It's my testimony that having ethnicity  
17      listed on the school group review sheet is not  
18      important for the work that we do.

19           Q.     (Mr. Strawbridge) But ethnicity is, in  
20      fact, something that the school group review can  
21      take into account in trying to determine whether  
22      admissions decisions would stand or be changed?

23           A.     Yeah. I hope I said this earlier. I --  
24      we think of school group review as an extension of  
25      comprehensive review. It gives us a chance to go

1 in and read more files. And so to the extent that  
2 if race or ethnicity can be used as one factor  
3 among many in the comprehensive review that we  
4 give everybody, it's used in school group as well  
5 or it can be.

6 Q. So the change you're referring to is  
7 really just a change in that report? It's not a  
8 change in what governs the substantive standards  
9 of school group review process?

10 MR. SCUDDER: Object to the form.

11 A. That's right.

12 Q. (Mr. Strawbridge) Was there a change in  
13 the strike that.

14 When the reviewers review files, do they  
15 have a field in which they can enter comments  
16 about the -- about the applicant?

17 A. They do.

18 Q. And at some point in time were reviewers  
19 instructed not to put information about race and  
20 ethnicity in that comment box?

21 A. I think what they were asked to do was  
22 to not repeat in the comment box information  
23 that's available at the top of the screen.

24 Q. Was that in part because of concern  
25 about repeating information about race and



1       that people make to meet students where they are  
2       and try to figure them out and try to place them  
3       in the community here.

4           Q.     Is the SGR process ever used to shape  
5       the class toward a particular goal?

6           MR. SCUDDER: Object to the form.

7           A.     You know, honestly the way that the  
8       school group review process has worked, at least  
9       in the last five years, has been to help us get to  
10      the right number of North Carolina admits and the  
11      right number of out-of-state admits. And I think  
12      that's the great pressure at school group time, is  
13      to figure out how not to over enroll or to figure  
14      out how to not leave a lot of people disappointed  
15      when we could have admitted them. So, you know,  
16      again, within that pressure and in -- in reference  
17      to that goal, people go in and they look at  
18      individual folders to try to get the decision  
19      right. But the main shaping that happens in this  
20      school group process, at least in the aggregate,  
21      is in terms of North Carolinians and out-of-state  
22      students. The individual shaping, though, the  
23      opening up of files, the understanding students,  
24      the trying to fit them into the puzzle, that  
25      happens in school group review just as it happens

1 in individual reads because school group review is  
2 an extension of the comprehensive and holistic  
3 review that we afford from the beginning to the  
4 end.

5 (EXHIBIT NUMBER 5 WAS MARKED)

6 Q. (Mr. Strawbridge) Just take a second to  
7 review that email. Oh, yes, that's Exhibit 5 for  
8 the record.

9 (Witness examined document)

10 Q. Have you had a chance to read that  
11 document?

12 A. Yes, sir.

13 Q. Do you recall this exchange?

14 A. I do.

15 Q. Okay. And is this an email exchange  
16 between you and Chancellor Folt regarding  
17 diversity and undergraduate enrollment?

18 A. Yes. And I copied the provost, my boss,  
19 Jim Dean.

20 Q. On the original email, correct?

21 A. Yes, sir.

22 Q. All right. And this is an email that  
23 was sent in February 2014?

24 A. Yes, sir.

25 Q. That's in the middle of the admissions

1       undergraduate students with certain Pell grants?

2           A.     Yes.

3           Q.     Receiving Pell grants, I'm sorry. So in  
4       this case, when you were referring to diversity in  
5       enrollment, you were mainly referring to the  
6       the racial diversity, correct?

7                     MR. SCUDDER: Object to the form.

8           A.     Well, there's context for this email.

9           Q.     (Mr. Strawbridge) And what's the  
10       context of this email?

11          A.     I think I mentioned awhile ago that in  
12       one of the years and I see now that it was October  
13       2013 because this email is partly in response to  
14       that, the number of African American men here at  
15       UNC declined pretty significantly, at least in  
16       light of the conversation on campus and as judging  
17       from the conversation that ensued. I think this  
18       was the year that three young African American  
19       students came over and sat in front of Jackson  
20       Hall and made a video of themselves talking about  
21       African American enrollment at UNC and posted it  
22       on YouTube. And I think that in the same year  
23       American Indian students made a similar video and  
24       released it. So there was a lot of conversation  
25       on campus at the time about enrollment, a lot of

1 conversation about if you want to think about it  
2 this way compositional diversity.

3 I ended up talking a couple of times to  
4 Carolina Black Caucus. They invited me to come  
5 and talk because the members of the caucus were  
6 concerned. I recall having some conversations  
7 with Chancellor Folt and with Provost Dean because  
8 the same people who were talking to me were  
9 talking to them. And so one of the things that  
10 occurred to me as I was talking with folks around  
11 campus is that, you know, although it's helpful to  
12 assess how people feel here in the moment, it is  
13 also helpful to take a look at how enrollment here  
14 compares to enrollment in other schools. And so I  
15 went out to the IPEDS data center, the U.S.  
16 Department of Education official data, about  
17 colleges and universities and I tried to take a  
18 look to see where other schools stood and where we  
19 stood in relation to them. And because there's no  
20 one defined set of comparison institutions here  
21 and people use comparisons of different kinds for  
22 different purposes, I thought it would be helpful  
23 to include the system peers. The University  
24 system negotiates a set of peer institutions with  
25 us and then we're sort of compared to our peer

1       hard to try to make sure that we continued to  
2       educate students in the way that we believe we  
3       need to educate them.

4           Q.     (Mr. Strawbridge) Earlier when I asked  
5       you about measuring the level of diversity on  
6       campus to try to determine if you've reached the  
7       educational benefits. You referred to climate  
8       surveys; you referred to student conversations and  
9       faculty conversations. And I believe you referred  
10      to conversations among the administration as well.

11               Is there any other -- is there any other  
12      tools that you can think of that UNC would use to  
13      measure if it has sufficient racial diversity to  
14      realize the educational benefits?

15               MR. SCUDDER: Object to form.

16           A.     You know, I think we've got such a good  
17      -- as I mentioned, when we worked on the Diversity  
18      Report, the real aim was to try to, draw together  
19      and align people across campus who've been working  
20      to make life better for our students and recruit  
21      them for a long time. I think the report that  
22      we've produced now, the fact that the provost has  
23      shared it so widely, is going to give us a good  
24      basis moving forward for trying to figure that  
25      out.

1 I mean, we added, in response -- and  
2 this is a method of assessment. We added on our  
3 admitted student questionnaire this year, which is  
4 a -- it's a questionnaire that we send out to  
5 every student who's admitted, whether the student  
6 enrolls or whether the student doesn't enroll.  
7 And we asked students to tell us the extent to  
8 which they agreed that they wanted the educational  
9 benefits of diversity that are described in the  
10 report in their experience at a college or  
11 university. So we're hoping that things like that  
12 -- you know, asking the question, framing it in  
13 terms of the clear definitions of educational  
14 benefits of diversity that we've now developed and  
15 shared, we believe that that's going to give us a  
16 strong basis moving forward to assess where we are  
17 and to try to do better.

18 Q. (Mr. Strawbridge) How would the number  
19 of students who say they wanted the educational  
20 benefits of diversity in a form, what level of  
21 racial diversity is required to realize those  
22 benefits?

23 MR. SCUDDER: Object to form. Go  
24 ahead.

25 A. You know, I'm sorry. I may have